IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 24386 of 2004

Between:

Sri Venkateswara Balaji Constructions Nellore,

rep. by its Managing Partner, Sri D. Subba Rao,
S/o. Satyanarayana, R/o. Himasamrajya Residency,

Flat No. G3, Ashoknagar Ist Lane, Guntur.

..... PETITIONER

AND

The Superintendent Engineer (R& B), Circle, Guntur.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent herein in not following the clause 25 (5) (I) of the tender notice No. 8/2004-05 dt. 6.12.2004 of the respondent properly as bad, arbitrary, illegal, unjust, unreasonable and contrary to tender conditions and consequently direct the respondent to consider the bids of the candidates who submitted the certificates by the concerned Executive Engineers only in concerned with the Clause 25 (5) (I) of the tender notice to all the works and pass such other order or orders.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent: GP FOR ROADS & BUILDINGS

The Court made the following:

ORDER:

For not following the clause 25 (5)(1) of Tender Notice No.8/2004-2005 dated 06-12-2004 by the respondent, the present writ petition is filed.

2. Learned counsel for the petitioner submits that the bidders have to submit a certificate from the Executive Engineer concerned with regard to the possession of a Hot Mix Plant 40-60 TPG along with quality control lab with him in working condition within a distance of 70 Kms. from the work site. The grievance of the petitioner is that particular clause has not been followed and therefore the respondent is trying to consider tenders of other participants contrary to the tender notification. 3. Learned Government Pleader contended that the respondent will follow the conditions as mentioned in the Tender Notification dated 06.12.2004.

4. Having incorporated certain conditions in the Tender Notification dated 06.12.2004 it is bounden duty of the respondent to follow those conditions.

5. Therefore, a direction is given to the respondent to follow the tender conditions as per the Notice No.8/2004-2005 dated 06.12.2004. The writ petition is, accordingly, disposed of. No costs.

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K.C.BHANU,J.

Date: 27th December 2004.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintendent Engineer (R& B), Circle, Guntur.

2. Two CCs to the Government Pleader for R & B, High Court of Andhra Pradesh, Hyderabad (OUT).

3. Two CD copies